

as clerk, I have had the constant supervision and direction of from six to ten other clerks, according to the amount of work required of the patenting department, thereby rendering my duties more arduous to myself and of more importance to the State. In consideration of these facts, I respectfully ask that my salary be increased commensurate with the service I am expected to perform.

Respectfully,

J. V. DAVIS.

GENERAL LAND OFFICE,  
AUSTIN, February 18, 1881.

I cheerfully endorse the within application for the increase of salary for this department.

Respectfully,

W. C. WALSH, Commissioner.

A message was received from the House of Representatives, announcing the passage by that body of Senate bill No. 164, entitled "An act validating the proceedings of the county court of Jackson county," and that the House had passed the following concurrent resolution.

WHEREAS, Major H. M. Hoxie has extended a cordial invitation to the Governor, State officers and members of the Legislature to an excursion trip over the International railroad from Austin to San Antonio and return; therefore, be it

Resolved, That the House of Representatives, the Senate concurring, do accept with thanks the invitation of Major Hoxie for the courtesy extended to the Legislature.

Senator Wynne offered the following amendment: Amend by adding in line 7, page 8, before the words "assistant draftsmen," the word "eight," and strike out 9000, 9000 and insert 9600, 9600.

Senator Houston asked a division of the question. Question divided and adopted.

Senator Stubbs offered the following amendment: Amend General Land Office, page 7, line 3, by substituting 1800, 1800 for 1500, 1500. Lost by the following vote:

YEAS—11.

|                    |         |         |
|--------------------|---------|---------|
| Buchanan of Grimes | Lair,   | Swain,  |
| Burges,            | Lane,   | Tilson, |
| Burton,            | Powers, | Wynne.  |
| Duncan,            | Stubbs, |         |

NAYS—13.

|            |                  |             |
|------------|------------------|-------------|
| Cooper,    | Houston,         | Rainey,     |
| Davenport, | Lightfoot,       | Ross,       |
| Gooch,     | Martin of Cooke, | Stewart,    |
| Hightower, | Moore,           | Weatherred. |
| Homan,     |                  |             |

Senator Swain offered the following amendment: Strike out line 4, on page 8, and insert "fifteen assistants at not more than \$75 per month each, 13,500, 13,500." Adopted.

Senator Burges offered the following: Amend in line 3, on page 8: Strike out \$1000 wherever it occurs and insert \$1200 instead thereof. Lost by the following vote:

YEAS—11.

|                     |          |         |
|---------------------|----------|---------|
| Buchanan of Grimes, | Powers,  | Swain,  |
| Burges,             | Rainey,  | Tilson, |
| Henderson,          | Stewart, | Wynne.  |
| Lightfoot,          | Stubbs,  |         |

NAYS—13.

|            |          |                  |
|------------|----------|------------------|
| Cooper,    | Homan,   | Martin of Cooke, |
| Davenport, | Houston, | Moore,           |
| Duncan,    | Lair,    | Ross,            |
| Gooch,     | Lane,    | Weatherred.      |
| Hightower, |          |                  |

NOT VOTING.

Burton.

Senator Gooch offered the following under head of General Land Office: In line 4, page 7, and line 5, page 8, substitute 1500, 1500 for 1800, 1800.

Senator Lane asked a division of the question.

Senator Gooch withdrew the portion of the amendment with regard to line 5, page 8, and the other part of the amendment was lost.

Senator Homan offered the following: Page 8, line 1, strike out 1800, 1000 and insert 2000, 2000.

Senator Duncan offered the following amendment to the

pending amendment: After figures 2000 insert one to receive 1100 and the other 900 dollars. Accepted, and as amended adopted.

Senator Cooper entered a motion to reconsider the vote by which the amendment of Senator Stubbs this morning was lost.

Senator Swain offered the following amendment: Insert on page 9, after line 1, under the head of penitentiaries, viz:

To provide machinery, tools, apparatus, etc., to put into operation the East Texas penitentiary, for the year ending February 28, 1882, \$75,000. For the year ending February 28, 1883, \$75,000.

To provide for new cell buildings and improvements at Huntsville, for the year ending February 28, 1882, \$60,000. For the year ending February 28, 1883, \$60,000.

To provide for a reformatory for youthful convicts, for the year ending February 28, 1882, \$25,000.

For library at Huntsville, \$500.

For library at Rusk, \$500.

The appropriations made in the last foregoing seven items, shall be expended by and under the direction of a board, to consist of the Governor, State Treasurer and superintendent of the penitentiaries, to be called the "State Penitentiary Board," and in such manner as they may deem to the best interest of the State. The hire of the convicts under the lease shall be paid into the Treasury, to meet this appropriation, as far as it will do so, or the board may contract with the lessees to make the improvements or purchase the machinery, etc., or either, and be paid by credits on the amount due and to be come due from them under their lease.

Senator Burges offered the following amendment to the amendment of Senator Swain.

Provided, That no part of the sum herein appropriated to purchase machinery for the East Texas penitentiary shall be expended until a railroad is completed to said penitentiary.

On motion of Senator Burges, the Senate adjourned until 11 o'clock A. M. Wednesday, in obedience to concurrent resolution of the Legislature already adopted by both houses.

### THIRTY-SEVENTH DAY.

SENATE CHAMBER, }  
AUSTIN, February 23, 1881. }

Senate met pursuant to adjournment; President in the chair.

Roll called; quorum present.

On motion of Senator Davenport, the reading of the journals of Monday was dispensed with, and same adopted.

Also, that the morning session, as no quorum was present, be not published. Adopted.

Under the new order of business, the roll of Senators was called in alphabetical order.

Senator Buchanan of Grimes called up, under said rule, House bill No. 345, entitled "An act to create the Thirty-fourth Judicial District, and prescribing the time of holding district courts therein, and to provide for the appointment of a district judge and district attorney therein."

The bill was read second time and passed to third reading.

On motion of Senator Shannon, the rules were suspended and bill placed on its third reading by the following vote:

YEAS—25.

|                    |                    |             |
|--------------------|--------------------|-------------|
| Buchanan of Grimes | Hightower,         | Rainey,     |
| Buchanan of Wood,  | Homan,             | Ross,       |
| Burton,            | Lair,              | Shannon,    |
| Cooper,            | Lane,              | Stubbs,     |
| Davenport,         | Lightfoot,         | Swain,      |
| Duncan,            | Martin of Navarro, | Tilson,     |
| Gooch,             | Moore,             | Weatherred, |
| Harris,            | Powers,            | Wynne.      |
| Henderson,         |                    |             |

NAYS—none.

Burges, Houston, Terrell.  
Bill read third time and passed by the following vote:  
YEAS—23.

|                    |                    |            |
|--------------------|--------------------|------------|
| Buchanan of Grimes | Hightower,         | Powers,    |
| Buchanan of Wood,  | Homan,             | Rainey,    |
| Burton,            | Houston,           | Shannon,   |
| Cooper,            | Lair,              | Stubbs,    |
| Davenport,         | Lane,              | Tilson,    |
| Duncan,            | Lightfoot,         | Weathered, |
| Harris,            | Martin of Navarro, | Wynne.     |
| Henderson,         | Moore,             |            |

NAYS.

Ross.

NOT VOTING—4.

Burgess, Swain, Terrell.  
Gooch,

Senator Duncan moved to suspend the regular order of business and take up Senate bill No. 139, entitled "An act to amend an act entitled 'an act to change and define the times of holding the terms of the district courts in the Fifth Judicial District of the State of Texas,' approved April 23, 1879."

The President ruled that under the new order of business the motion was out of order.

The name of Senator Buchanan of Wood, was next called, when he called up Senate bill No. 139, entitled "An act to amend an act entitled 'an act to change and define the times of holding the terms of the district courts in the Fifth Judicial District of the State of Texas,' approved April 23, 1879."

On motion of Senator Tilson, the House amendment to the bill was concurred in by the Senate.

Senator Burton, being next on the roll, called up Senate bill No. 35, "An act to amend chapter 130 of the acts of 1879, entitled 'an act to amend section 46 of an act to encourage stockraising, and for the protection of stock raisers,'"

Bill taken up and read third time.

Senator Burton offered the following amendment:

The great necessity for the law and the near approach of the end of this session of the Legislature, create an imperative public necessity and emergency, requiring the constitutional rule "that bills be read on three several days, in each House," be suspended, and the same is therefore suspended; and that this act take effect and be in force from and after its passage, and it is so enacted.

Adopted by the following vote:

|                    |                    |            |
|--------------------|--------------------|------------|
| Buchanan of Grimes | Houston,           | Ross,      |
| Buchanan of Wood,  | Lair,              | Shannon,   |
| Burton,            | Lane,              | Stubbs,    |
| Davenport,         | Lightfoot,         | Swain,     |
| Duncan,            | Martin of Navarro, | Terrell,   |
| Harris,            | Moore,             | Tilson,    |
| Henderson,         | Powers,            | Weathered, |
| Hightower,         | Rainey,            | Wynne.     |
| Homan,             |                    |            |

NAYS—none.

NOT VOTING—3.

Burges, Cooper, Gooch.

Bill passed by the following vote:

|                    |                    |            |
|--------------------|--------------------|------------|
| Buchanan of Grimes | Homan,             | Ross,      |
| Buchanan of Wood,  | Houston,           | Shannon,   |
| Burton,            | Lair,              | Stubbs,    |
| Cooper,            | Lane,              | Swain,     |
| Davenport,         | Lightfoot,         | Terrell,   |
| Duncan,            | Martin of Navarro, | Tilson,    |
| Harris,            | Moore,             | Weathered, |
| Henderson,         | Powers,            | Wynne.     |
| Hightower,         | Rainey,            |            |

NAYS—none.

Burges, Gooch.  
NOT VOTING—2.

Senator Cooper, being next on the roll, called up Senate bill No. 95, "An act for the relief of Mrs. Marinda Hyde." Bill taken up, read second time and ordered engrossed.

Senator Cooper moved to reconsider the vote to engross the bill. Adopted.

Senator Cooper then offered the following amendment:

The near approach of the close of the session of the Legislature and the rapid diminution of the public lands by location of land certificates, creates an imperative public necessity that the constitutional rule requiring this bill to be read on three several days be suspended, and it is so enacted.

Adopted.

On motion of Senator Cooper, the rules were suspended to put the bill on its third reading by the following vote:

|                    |                    |            |
|--------------------|--------------------|------------|
| Buchanan of Grimes | Homan,             | Rainey,    |
| Buchanan of Wood,  | Houston,           | Ross,      |
| Burton,            | Lair,              | Shannon,   |
| Cooper,            | Lane,              | Stubbs,    |
| Davenport,         | Lightfoot,         | Swain,     |
| Duncan,            | Martin of Navarro, | Terrell,   |
| Harris,            | Moore,             | Tilson,    |
| Henderson,         | Powers,            | Weathered. |
| Hightower,         |                    |            |

NAYS—none.

NOT VOTING—3.

Burges, Gooch, Wynne.

Bill read third time and passed by the following vote:

|                    |                    |            |
|--------------------|--------------------|------------|
| Buchanan of Grimes | Homan,             | Rainey,    |
| Buchanan of Wood,  | Houston,           | Ross,      |
| Burton,            | Lair,              | Shannon,   |
| Cooper,            | Lane,              | Stubbs,    |
| Davenport,         | Lightfoot,         | Swain,     |
| Duncan,            | Martin of Navarro, | Terrell,   |
| Harris,            | Moore,             | Tilson,    |
| Henderson,         | Powers,            | Weathered. |
| Hightower,         |                    |            |

NAYS—none.

NOT VOTING—3.

Burges, Gooch, Wynne.

Senator Davenport, being next on the roll, called up committee substitute for Senate bills Nos. 30 and 70, "An act to establish the Twelfth, Fourteenth, Seventeenth, Twentieth, Thirtieth and Thirty-third Judicial Districts, and prescribing the times of holding the courts therein, and to provide for the appointment of a district attorney in the Twentieth and a district judge in the Thirty-third Judicial District, and to provide for holding terms of the district court in certain unorganized counties."

Bill taken up, read third time and passed by the following vote:

|                    |                    |            |
|--------------------|--------------------|------------|
| Buchanan of Grimes | Homan,             | Shannon,   |
| Buchanan of Wood,  | Houston,           | Stubbs,    |
| Burton,            | Lane,              | Swain,     |
| Davenport,         | Lightfoot,         | Terrell,   |
| Duncan,            | Martin of Navarro, | Tilson,    |
| Harris,            | Moore,             | Weathered, |
| Henderson,         | Powers,            | Wynne.     |
| Hightower,         | Rainey,            |            |

NAYS.

NOT VOTING—4.

Burges, Cooper, Gooch, Lair.

Senator Duncan, being next on the roll, called up Senate bill No. 65, "An act to amend chapter 5 of the Penal Code, by adding thereto another article, to be styled article 113a."

Bill taken up and read second time.

Senator Wynne offered the following amendment:  
Amend by adding the following:

*Provided, That the provisions of this bill shall not apply to regular tax collectors.*

Withdrawn.

Senator Buchanan of Grimes offered the following amendment to substitute:

*Provided, That this act shall not apply to tax collectors, or to sheriffs, in the collection of taxes, who report, as above provided, each quarter.*

Senator Duncan moved the previous question on pending bill, substitute and amendment. Motion seconded and main question ordered.

The amendment of Senator Buchanan of Grimes was lost.

The yeas and nays were called for, when Senator Duncan raised the point of order that the vote was announced before the yeas and nays were called for. Point of order sustained by the President, and bill ordered engrossed by the following vote:

| YEAS—17.           |                    |             |
|--------------------|--------------------|-------------|
| Buchanan of Wood,  | Hightower,         | Rainey,     |
| Davenport,         | Homan,             | Shannon,    |
| Duncan,            | Houston,           | Swain,      |
| Gooch,             | Lair,              | Terrell,    |
| Harris,            | Lane,              | Weatherred. |
| Henderson,         | Lightfoot,         |             |
| NAYS—0.            |                    |             |
| Buchanan of Grimes | Martin of Navarro, | Ross,       |
| Burton,            | Moore,             | Tilson,     |
| Cooper,            | Powers,            | Wynne.      |

A message was received from the House announcing the passage by that body of House bill No. 481, "An act to amend section 11 of an act entitled 'an act to protect the wool-growing interests of the State of Texas,' approved March 25, 1879."

On motion of Senator Lair, the Senate adjourned until 10 A. M. to-morrow.

### THIRTY-EIGHTH DAY.

SENATE CHAMBER,  
AUSTIN, February 24, 1881. }

The Senate met pursuant to adjournment; the President in the chair.

Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Tilson, the reading of the journals was dispensed with, and the same adopted.

Senator Duncan moved that the secretary and second assistant secretary be excused on account of sickness. Adopted.

Senator Burton presented a petition of citizens of Texas, asking that the Legislature pass an act submitting to the voters of the State a constitutional amendment prohibiting the importation, manufacture and sale of intoxicating liquors as a beverage in Texas. Referred to Committee on Constitutional Amendments.

Senator Davenport presented a petition of citizens of Coryell county, protesting against the restoration to the county court of that county of the civil and criminal jurisdiction thereof, and giving sundry reasons therefor. Referred to Judiciary Committee No. 1.

Senator Houston presented a petition of citizens of Bandera county, asking that the Legislature pass an act submitting to the voters of the State a constitutional amendment prohibiting the importation, manufacture and sale of intoxicating liquors as a beverage in Texas. Referred to Committee on Constitutional Amendments.

Senator Burges presented a petition of citizens of the town of Luling and vicinity, in Caldwell county, urging

the passage of the proposed amendment to the Constitution prohibiting the importation and sale of intoxicating liquors. Referred to the Committee on Constitutional Amendments.

Also, a petition of citizens of Llano county, asking that the civil and criminal jurisdiction of the county court of that county be restored. Referred to Judiciary Committee No. 1.

Senator Ross presented a petition of five hundred citizens of McLennan county, asking for the passage of an act submitting to the voters of the State a constitutional amendment prohibiting the importation, sale and manufacture of intoxicating liquors as a beverage in Texas, to be voted on at the next election for State officers. Referred to Committee on Constitutional Amendments.

Senator Henderson presented a petition of colored citizens of Brazos county, requesting that all railroad companies in this State receiving first-class fare for passengers be required to furnish for all persons first-class cars, and that separate first-class cars be provided for colored citizens paying first-class fare. Referred to Committee on Internal Improvements.

Senator Lightfoot presented a petition of 113 citizens of Fannin county, asking that the Legislature pass a joint resolution submitting to the voters a constitutional amendment prohibiting the importation, sale and manufacture of intoxicating liquors as a beverage in the State. Referred to Committee on Constitutional amendments.

Senator Powers presented a petition of Prof. Jasper Starr of Yale Seminary, Henderson county, asking for damages for losses sustained in consequence of his loyalty to the government during the rebellion. Referred to Committee on Federal Relations.

Senator Harris presented a petition of citizens of Milam county, asking for a prohibitory liquor law. Referred to Committee on Constitutional Amendments.

Also, a petition of the friends of temperance in Bell county, asking for a prohibitory liquor law. Referred to Committee on Constitutional Amendments.

Senator Buchanan of Grimes presented four petitions of citizens of Grimes county, asking for a prohibitory liquor law. Referred to Committee on Constitutional Amendments.

Also, a petition of citizens of Grimes county asking that the civil and criminal jurisdiction of the county court of that county be diminished, together with accompanying protest against such diminution by the county judge of said county. Referred to Judiciary Committee No. 1.

Senator Gooch presented a memorial of twenty-five citizens of Larissa, Cherokee county, Texas, asking for a prohibitory liquor law. Referred to Committee on Constitutional Amendments.

Senator Terrell, chairman of Judiciary Committee No. 1, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 24, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 385, to repeal "An act to diminish the civil jurisdiction of the county court of Navarro county, and to conform the jurisdiction of the district court of said county to such change," approved July 2, 1879, have considered the same, and instruct me to report the same back and recommend that it do pass.

TERRELL, Chairman.

Bill read first time.

Senator Buchanan of Grimes, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 24, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have carefully examined